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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY YORDY,
Plaintiff

v.

SCOTT BROWN, PAUL EVANKO,
BERON F. STEAGER, AND BARRY L.
BRINSER, et al.,
Defendants

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: No. 1:01-CV-0206
:
: (Judge Kane)
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STATEMENT OF MATERIAL FACTS

1. Plaintiff is Randy Yordy, an individual who was convicted in the Court of Common Pleas of Dauphin County, Pennsylvania on February 15, 2000, of the offenses of aggravated assault, driving under the influence and resisting arrest (two counts) in connection with a traffic stop by a member of the Pennsylvania State Police on February 4, 1999, and the subsequent arrest of plaintiff after he fled the scene. (Transcript of Proceedings, 2/15/00, Com. v. Yordy, No. 685 C.D. 1999).

2. Moving defendant is Paul J. Evanko, Commissioner of the

Pennsylvania State Police. (Complaint/Answer, ¶ 5).

3. Plaintiff claims that his constitutional rights were violated by the trooper who made the traffic stop (Brown) and by two other troopers who later took him into custody (Steager and Brinser) because they used excessive physical force against plaintiff. (Complaint, ¶¶ 14-16, 19).

4. Plaintiff also claims that Commissioner Evanko is liable because he failed to exercise proper control and supervision over Trooper Brown despite, allegedly, knowing that Brown should not have been permitted to continue in police employment. (Complaint, ¶¶ 22-23).

5. Defendants deny plaintiff's claims against them. (Answer, generally).

6. Moving defendant, Paul Evanko, has been the Commissioner of the Pennsylvania State Police since February 1995. (Evanko deposition, p.4).

7. In this capacity, he exercises responsibility over the administration and command of the Pennsylvania State Police and its budget. (Evanko deposition, pp. 4-5).

8. The Commissioner is the highest ranking member of the State Police and, by virtue of his position, is a member of the Governor's Cabinet. Pa. Stat. Ann. Title 71, §§61, 65, 250-51 (Purdon Supp. 2002)

9. Discipline of members of the State Police is delegated to the Deputy

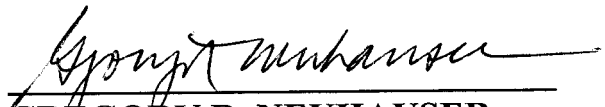
Commissioner of Operations through the Department Disciplinary Officer
(Evanko deposition p. 5).

10. Although the Commissioner is made aware of significant violations of Department regulations by troopers, he is not made aware of the affected trooper's name in such cases because the Commissioner may be called upon to make a final decision on court-martial. Knowledge of the identity of the trooper and other background information could prejudice the Commissioner's ultimate decision on dismissal. (Evanko deposition pp. 27-28)

11. Commissioner Evanko had no personal involvement in nor knowledge of any of the personnel notations made against Trooper Brown prior to the events about which plaintiff complains in this case. (Evanko deposition pp 8-12; 28-29)

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: 
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DATE: November 27, 2002

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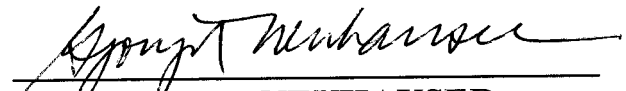
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: (Judge Kane)

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CERTIFICATE OF SERVICE

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General
for the Commonwealth of Pennsylvania, Office of Attorney General, hereby
certify that on **November 27, 2002**, I caused to be served a true and correct copy
of the foregoing document **Statement of Material Facts**, by depositing it in the
United States mail, first-class postage prepaid to the following:

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
2080 Linglestown Road, Suite 201
Harrisburg, PA 17110



GREGORY R. NEUHAUSER
Senior Deputy Attorney General